

CONSTITUTION IS THE GUARANTEE OF A FREE AND PROSPEROUS LIFE

*Muyinov A.A.*¹

Abstract:

The article's main emphasis is on the nature of constitutions, examining their advantages and disadvantages while providing evidence and expert comments. The purpose of the article is to demonstrate whether the constitution, which is the primary source of liberty and free life for the majority of nations, is the sole essential source or only one of the host states' options.

Key words: constitution, codified laws, documents, unwritten constitution, case law, codification.

The Constitution, which guarantees the nation's commitment to justice, equality, and freedom, is traditionally seen as the cornerstone of government. It draws attention to how governments function and how individuals employ their rights. The Constitution's great genius lies in the fact that it empowers the people to govern themselves by giving them control over the government, safeguarding them from those who would usurp their liberty or power, and allowing each generation to build on the government that their predecessors left them.

Yet it is proposed that there are other ways to have a successful life than the constitution. Would nations like the United Kingdom, which lack a codified document, enjoy the same liberties and stability as those with an effective constitution if it were the only means of achieving ideals?

The origins of constitution may be traced back to the ancient Greeks, particularly to Aristotle's descriptive works. He employed the Greek word for constitution, "politeia," in his writings on politics, Nicomachean ethics, the Constitution of Athens, and other topics. "The arrangement of the offices in a polis (state)" is the broad meaning of this term. As a result, every nation has a constitution regardless of how successfully or poorly it governs.

The Constitution is regarded as the most important document in the realm of justice and liberty. Despite this, it cannot run a clinic, provide vaccinations, construct a road or a sewer, teach children, or care for the elderly. Nonetheless, it is regarded as one of humanity's greatest triumphs. If they build and uphold constitutional governance, there is a good chance that they will achieve economic strength, scientific and technical development, cultural advancement, and human well-being. The following elements make the constitution a necessary set of rules:

1) There is little coordination between society's members using a set of fundamental guidelines. 2) To demonstrate who in a society has the authority to make choices. It guarantees the structure of the government. 3) A set of restrictions that limit the government's influence over its people. It guarantees that governments never overstep their bounds.

Because it lacks a defined constitution, the UK is governed by laws, customs, and court decisions. The UK has been rated highly for global freedom and prosperity in spite of these systems. It highlights the fact that, as long as the UK has a well-organised legal system, free living may be attained even in the absence of a constitution. In actuality, this nation has the most advanced judicial system in the world, ranking first in the illustrative list.

It has been suggested that an unwritten constitution's flexibility enables a speedier response to societal developments. The UK's ability to quickly implement law amendments without being hampered by strict constitutional constraints was shown during the COVID-19 epidemic. "The true strength of constitution lies in its flexibility, making it a main criterion for instrument of governance," said A.V. Dicey, a Vinerian professor of English law.

Civil law nations favour codified laws and constitutions, while common law governments rely heavily on court decisions. Stable democracies have been established by both legal systems, guaranteeing excellent government. Both approaches imply that institutional integrity is more important to democracy than the existence of a constitution.

¹ *Muyinov Amindjon Akobirovich, BA (Hons) in Commercial Law, Level 6. Westminster International University in Tashkent*

Additionally, judges are essential to constitutional democracies. *Brown v. Board of Education* is a precedent case that has promoted civil rights in the United States (the Supreme Court declared in this historic ruling that racial segregation of students in public schools was unconstitutional). However, judicial interpretation may sometimes result in disputes, as seen by the very divisive constitutional interpretations in *Roe v. Wade* (1973), where a historic Supreme Court decision from 1973 holding that a woman's right to an abortion is protected by the Constitution.

It is true that there are instances when the constitution is not applied in real life. Zimbabwe and North Korea are two examples of nations with constitutions that promise rights but fall short in reality. This example also demonstrates how a constitution cannot guarantee freedom and prosperity on its own. A constitution is only as powerful as the organisations and individuals that support it, according to Hannah Arendt.

Constitutions provide out principles, yet they are often not carried out. A constitution's authority is diminished by things like political meddling, inadequate institutions, and corruption. Widespread inequality in South Africa serves as a stark reminder of the disconnect between the promises made in the constitution and the actual situation on the ground.

In conclusion, the constitution provides a framework to safeguard liberties and guarantee prosperity, making it an essential tool for governing. It is regarded as one of the primary codified texts for ensuring and defending individual rights. But as we spoke about, there are other ways to live a free and wealthy life outside following the constitution. It should be mentioned that constitutions work as long as they are followed. A well-written constitution is meaningless without strong public engagement and judicial independence.

References:

1. *Brown v. Board of Education* 347 U.S. 483 (1954)
2. *Roe v. Wade* 410 U.S. 113 (1973)
3. Dainow J, 'The Civil Law and the Common Law: Some Points of Comparison' (1966) 15 *The American Journal of Comparative Law* 419 <<https://www.jstor.org/stable/pdf/838275.pdf?refreqid=excelsior%3A6b17e93397e152a815d6296493a90276>>
4. Duncan J, 'The Problem with South Africa's Constitution' (Centre Tricontinental 1 October 2020) <<https://www.cetri.be/The-Problem-with-South-Africa-s?lang=fr>>
5. KATEB G, 'Death and Politics: Hannah Arendt's Reflections on the American Constitution' (1987) 54 *Social Research* 605 <<https://www.jstor.org/stable/40970474>>
6. 'The Genius of the Constitution' (The Heritage Foundation 2019) <<https://www.heritage.org/the-essential-constitution/the-genius-the-constitution>>
7. 'These Countries Have Well-Developed Legal Frameworks' (@USNews2024) <<https://www.usnews.com/news/best-countries/rankings/well-developed-legal-framework>>